

Exhibit 1

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Mi Familia Vota, et al.,

Plaintiffs,

v.

Adrian Fontes, in his official capacity as
Arizona Secretary of State, et al.,

Defendants.

AND CONSOLIDATED CASES

No. 2:22-cv-00509-SRB (Lead)

**DEFENDANT ADOT DIRECTOR
JENNIFER TOTH'S RESPONSES
TO CONSOLIDATED
PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION**

(Before Hon. Susan R. Bolton)

No. CV-22-00519-PHX-SRB
No. CV-22-01003-PHX-SRB
No. CV-22-01124-PHX-SRB
No. CV-22-01369-PHX-SRB
No. CV-22-01381-PHX-SRB
No. CV-22-01602-PHX-SRB
No. CV-22-01901-PHX-SRB

1 In accordance with Federal Rules of Civil Procedure 26 and 34, Defendant Jennifer
2 Toth in her official capacity as Director of the Arizona Department of Transportation (the
3 “ADOT Director”) submits this Response (“the Response”) to Consolidated Plaintiffs’
4 First Set of Requests for Production (“the Requests”). The Response reflects the ADOT
5 Director’s current knowledge and information. Discovery is ongoing and further
6 investigation may reveal additional facts or information that could lead to changes to the
7 Response.

8 **GENERAL OBJECTIONS**

9 1. The ADOT Director objects to the Requests to the extent that they
10 (1) are vague, (2) are overbroad, (3) are not relevant to any claim or defense, (4) are not
11 proportional to the needs of the case, (4) seek information that is privileged or otherwise
12 protected from disclosure, (5) seek “all” or “any” documents in a category when a subset
13 would be more reasonable, (6) seek information that is not in the ADOT Director’s
14 possession or control, (7) seek information that is already in Consolidated Plaintiffs’
15 possession or control or is publicly available or otherwise equally available to
16 Consolidated Plaintiffs, (8) seek information that is more appropriately obtained from
17 other sources or by other means, (9) purport to require anything beyond a reasonable and
18 diligent search for readily accessible information from readily accessible sources where
19 responsive documents reasonably would be expected to be found, or (10) are otherwise
20 inconsistent with the Federal Rules of Civil Procedure.

21 2. Any agreement to produce responsive documents is not intended as an
22 admission that any such responsive documents exist. Rather, any agreement to produce
23 documents means only that responsive documents will be produced if they exist, have not
24 been produced already, can be located with reasonable diligence subject to the limitations
25 in this Response, and are not otherwise protected from disclosure.

26 3. The ADOT Director reserves the right to revise or supplement this Response
27 in accordance with applicable rules.
28

1 4. The ADOT Director reserves the right to challenge the authenticity or
2 admissibility of any information or documents in any hearing, proceeding, or trial.

3 5. Nothing in this Response waives any otherwise applicable privilege,
4 immunity, or protection from disclosure.

5 **OBJECTIONS TO DEFINITIONS**

6 1. The ADOT Director objects to the Definitions to the extent they purport to
7 impose obligations beyond the applicable rules or any discovery protocols agreed upon by
8 the parties.

9 2. The ADOT Director objects to the definition of “Relating to” as overbroad
10 and impracticable.

11 3. The ADOT Director objects to the definition of “You” and “your” as
12 overbroad and impracticable, especially insofar as the definition includes persons or
13 entities “purporting to act” on behalf of the ADOT Director.

14 **OBJECTIONS TO INSTRUCTIONS**

15 1. The ADOT Director objects to the Instructions to the extent they purport to
16 impose obligations beyond the applicable rules or any discovery protocols agreed upon by
17 the parties.

18 **RESPONSES AND OBJECTIONS TO REQUESTS FOR PRODUCTION**

19 **REQUEST FOR PRODUCTION NO. 1**

20 All documents and communications relating to your role in the actual and/or
21 potential implementation of H.B. 2243 or H.B. 2492.

22 **RESPONSE:**

23 The Department is producing the following CCB268 documents: Change Request
24 Form, Project Status Report, Change Info Template, Change Review Tracker, 2022 Bill
25 Comment Tracking. See ADOT001340–001399.

26 The Department also intends to produce communications, which are still being
27 gathered.

1 **REQUEST FOR PRODUCTION NO. 2**

2 All documents and communications relating to the Secretary of State's and county
3 recorders' access to or use of information from the driver license database for the purposes
4 of verifying and/or acquiring satisfactory evidence of citizenship for voter registration
5 pursuant to A.R.S. § 16-166(F)(1).

6 **RESPONSE:**

7 These items are included in the response to Request for Production No. 1.

8 **REQUEST FOR PRODUCTION NO. 3**

9 All documents and communications relating to the Secretary of State's and county
10 recorders' access to or use of information from the Driver License Database for the
11 purposes of implementing and enforcing A.R.S. § 16-165(G), as amended by H.B. 2243
12 and A.R.S. § 16-121.01(D)(1) as amended by H.B. 2492.

13 **RESPONSE:**

14 These items are included in the response to Request for Production No. 1.

15 **REQUEST FOR PRODUCTION NO. 4**

16 All documents and communications relating to the County Recorders' access to or
17 use of information from the Driver License Database for the purposes of implementing
18 and enforcing A.R.S. § 16-165(K), as amended by H.B. 2243, or for the purpose of
19 implementing A.R.S. § 16-121.01(D)(1) as amended by H.B. 2492.

20 **RESPONSE:**

21 These items are included in the response to Request for Production No. 1.

22 **REQUEST FOR PRODUCTION NO. 5**

23 All documents, as well as policies, procedures, training manuals, memorandums,
24 and guidelines, relating to Arizona driver's license renewals and/or renewal of Arizona
25 nonoperating identification.

26 **RESPONSE:**

27 The Department is producing the following documents in response to this Request
28 as well as Request Nos. 9, 10, and 11.

1 Policies: See ADOT000997–001079, 001131–001132, 001206–001279, 001283–
2 001339.

3 OneSource records: Credential Issuance records and Event Management records:
4 See ADOT000004–000359, 000363–000996, 001081–01130, 001136–001205.

5 **REQUEST FOR PRODUCTION NO. 6**

6 All documents, as well as all policies, procedures, training manuals, memorandums,
7 and guidelines, relating to the maintenance, functions, operations, and organization of the
8 Driver License Database maintained by the Department.

9 **RESPONSE:**

10 Upon receiving this Request, the Department was unsure what was being requested.
11 The Department has since received clarification from plaintiffs’ counsel and is reviewing
12 to determine whether there are responsive documents beyond those provided in response
13 to other Requests.

14 **REQUEST FOR PRODUCTION NO. 7**

15 All documents sufficient to show all information that is stored in the Driver License
16 Database and shared with or transmitted to the Secretary of State for purposes of updating
17 and conducting comparisons to voter registration files, both presently and for purposes of
18 implementing A.R.S. § 16-165(G), shared with or transmitted to County Recorders, both
19 presently and pursuant to A.R.S. § 16-165(K), as amended by H.B. 2243, or shared with
20 or transmitted to County Recorders, both presently and for purposes of updating voter
21 registration files and pursuant to A.R.S. § 16-121.01(D)(1) as amended by H.B. 2492,
22 including but not limited to, licensee data such as: (a) fields for first, last, and middle
23 names; (b) citizenship status and/or immigration status; (c) race; (d) ethnicity; (e) national
24 origin; (f) place of birth (g) sex; (h) address; (i) driver’s license or identification expiration
25 date; (j) driver’s license or identification renewal date; (k) whether a license or
26 identification is valid, expired, or otherwise invalid; (l) the date of issuance of the driver’s
27 license or identification; (m) driver’s license number or identification number; (n)
28

documents presented related to citizenship or immigrant status; and (o) any historical changes in citizenship and/or immigrant status.

RESPONSE:

Data is stored and shared with the Secretary of State via various files and API connections. File Layouts and API Interface specifications are being included to show all information that is stored and shared with the Secretary of State. These specifications have been gathered and are in the process of being produced.

After receiving the Requests for Production, the Department learned that Plaintiffs' counsel also seeks access to the Driver License Database, either via direct access or through some sort of large data transfer. This request would involve sharing personal information for millions of persons, which may implicate the Driver's Privacy Protection Act. The Department suggests a follow-up meet and confer with Plaintiffs' counsel to determine more specifically how Plaintiffs' counsel intends to use the information in the Driver License Database, whether the information produced so far accomplishes the same result, and if not, whether there is a reasonable alternative that may accomplish the same result.

REQUEST FOR PRODUCTION NO. 8

All documents sufficient to show the total number of individuals who, based on the data reflected in the Driver License Database maintained by the Department, fall within each of the following categories:

- a. Total number of individuals contained in the database;
- b. Total number of United States citizens who are over the age of 18;
- c. Total number of *naturalized* United States citizens who are over the age of 18;
- d. Total number of F type license holders who are or will be over the age of 18 by the time of their license renewal.
- e. Total number of people with valid F-type licenses who are known to You to be naturalized citizens.
- f. Total number of individuals with F-type licenses who are over the age of 18.

RESPONSE:

- a. As reported in the customer extract sent to the Secretary of State: 7,349,664
- b. Not including Naturalized U.S. citizens (reported in *c*): 6,455,198
- c. Recorded as Naturalized at the time of credential issuance: 144,288
- d. The Department no longer uses F-type credentials (see Response to Interrogatory No. 4). The number of credential holders with a foreign authorized presence status who will be 18 or older by renewal is 339,505.
- e. The Department no longer uses F-type credentials. Citizens who provide documentation of naturalization are included in the non-foreign authorized present status (reported in *c*).
- f. The Department no longer uses F-type credentials. The number of credential holders with a foreign authorized presence status over the age of 18 is 336,766.

REQUEST FOR PRODUCTION NO. 9

All documents, as well as the policies, procedures, practices, and guidelines, relating to the management and maintenance of U.S. citizenship and immigration status data for holders of Arizona driver's licenses or nonoperating identification, including but not limited to, all documents regarding the requirements of when the department is obligated to update licensee citizenship data, all documents relating to the accuracy or inaccuracy of licensee U.S. citizenship data, both prior to and for the purposes of implementation of H.B. 2243 and H.B. 2492.

RESPONSE:

The Department is producing the following documents in response to this Request as well as Request Nos. 5, 10, and 11.

Policies: See ADOT000997–001079, 001131–001132, 001206–001279, 001283–001339.

OneSource records: Credential Issuance records and Event Management records:
See ADOT000004–000359, 000363–000996, 001081–01130, 001136–001205.

1 **REQUEST FOR PRODUCTION NO. 10**

2 All documents and communications related to the reliability and currentness, or
3 lack thereof, of the driver's license database's evidence of immigration or citizenship
4 status information for individuals born outside of the United States.

5 **RESPONSE:**

6 The Department is producing the following documents in response to this Request
7 as well as Request Nos. 5, 9, and 11.

8 Policies: See ADOT000997-001079, 001131-001132, 001206-001279, 001283-
9 001339.

10 OneSource records: Credential Issuance records and Event Management records:
11 See ADOT000004-000359, 000363-000996, 001081-01130, 001136-001205.

12 The Department also intends to produce communications, which are still being
13 gathered.

14 **REQUEST FOR PRODUCTION NO. 11**

15 All documents referenced, used, or relied upon in the preparation of the Director's
16 answers to the Consolidated Plaintiffs' First Set of Interrogatories to Arizona Department
17 of Transportation Director Jennifer Toth.

18 **RESPONSE:**

19 The Department is producing the following documents in response to this Request
20 as well as Request Nos. 5, 9, and 10.

21 Policies: See ADOT000997-001079, 001131-001132, 001206-001279, 001283-
22 001339.

23 OneSource records: Credential Issuance records and Event Management records:
24 See ADOT000004-000359, 000363-000996, 001081-01130, 001136-001205.

25 **REQUEST FOR PRODUCTION NO. 12**

26 All documents, as well as the policies, procedures, practices, and guidelines,
27 relating to drivers' license applicants or applicants for nonoperating identification who
28

1 have a nonstandard address and/or lack documentary proof of their residence, and the
2 processing of those applications.

3 **RESPONSE:**

4 After a reasonable inquiry, the Department has no documents responsive to this
5 Request beyond those provided in response to other Requests.

6
7 DATED this 14th day of July, 2023.

8
9 **KRISTIN K. MAYES**
10 **ATTORNEY GENERAL**

11 By: /s/ Joshua M. Whitaker

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I transmitted via electronic mail a copy of the foregoing to all parties, c/o their respective counsel.

s/ Joshua M. Whitaker

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